



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: ADDRESS OF THE PATENT AND TRADEMARK OFFICE
Washington, D.C. 20590
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 398,365	09 17 1999	SVEND HAVELUND	3985.240-US	9987

7590 01 14 2003
NOVO NORDISK OF NORTH AMERICA INC
405 LEXINGTON
AVENUE
SUITE 6400
NEW YORK, NY 101746401

EXAMINER

SIEW, JEFFREY

ART UNIT PAPER NUMBER

1637

DATE MAILED: 01 14 2003

16

Please find below and or attached an Office communication concerning this application or proceeding.

Art Unit: 1656

DETAILED ACTION

Request for Continued Examination

1. The request filed on 9/23/02 for a Request for Continued Examination (RCE) under 37 CFR 114 is acceptable. An action on the RCE follows.

Pending claims are 89-131 and 146-153.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 150 & 153 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) Claims 150 & 153 which depend on claim 147 but recite insulin or insulin analogue. It is unclear as to whether the phrase refers to or in addition to the insulin derivative of claim 147.

SUMMARY

3. Claims 89-131 & 146-149, 151 & 152 are allowable. Claims 150 & 153 are rejected under 112 second paragraph but free of the prior art. There is no prior art that teach or suggest the insuline derivative in claim 89.

CONCLUSION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Siew whose telephone number is (703) 305-3886 and whose e-mail address is Jeffrey.Siew@uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route. The examiner is on flex-time schedule and can best be reached on weekdays from 6:30 a.m. to 3 p.m. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703)-308-1119.

Any inquiry of a general nature, matching or filed papers or relating to the status of this application or proceeding should be directed to the Tracey Johnson for Art Unit 1637 whose telephone number is (703)-305-2982.

Papers related to this application may be submitted to Group 1600 by facsimile

Application Control Number: 09 398,365

Page 4

Art Unit: 1656

Gazette, 1096 OG 30 (November 15, 1989). The CM1 Center numbers for Group 1600 are Voice (703) 308-3290 and Before Final FAX (703) 872-9306 or After Final FAX (703) 30872-9307.

Jeffrey Lee
JEFFREY LEE
DIRECTOR OF PATENT

January 12, 2003